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MARKETS BUREAU CENTRE OF SCANDAL

Sworn Statements of Grand and Petty Graft Made Before Investigators.

O'MALLEY HANGS ON

Dr. Day Ousted After His Revelations Affecting Division of \$300,000.

'HONEY FOR MONEY' ONLY

Distribution of Army and Navy Supplies Gave Tammany Rich Field.

Herewith is published the fourth of a series of articles dealing with the conduct of the departments of the city government under the Hyman administration. The article to be published tomorrow will deal with the Hyman administration's record in the Street Cleaning and License departments.

The Department of Markets has been a perpetual storm center since the beginning of the Hyman administration.

For its first Commissioner the Mayor selected the Rev. Jonathan C. Day, pastor of the Labor Temple at Fourteenth street and Second avenue. He was removed summarily in December, 1919, at the climax of an unsavory scandal involving charges and countercharges of profiteering in the handling of food products. In the course of that controversy accusations had been made against one another by Day and his Deputy Commissioner, Edwin J. O'Malley.

Day, before his own dismissal by the Mayor, had removed O'Malley. Mayor Hyman then promptly rehabilitated O'Malley and made him the reverend Commissioner's successor.

Sensational charges of graft in the apportioning of stalls and stands in Washington Market, charges made under oath by witnesses examined by the Mayor's committee, charges smirching various agents of Commissioner O'Malley's department, are of such recent memory as to call for only brief recapitulation. It was this phase of the legislative inquiry which gave birth to the immortal classic, "For money I got honey."

La Guardia Exposed Failure.

Commissioner Day brought criticism upon himself when he sought to start the city in the coal business during the period of fuel scarcity due to the war. His efforts in that direction were ill starred. This was followed by a scheme to buy food products from certain community buying organizations. It brought upon Dr. Day a hurricane of criticism and accusation. Ex-Senator William M. Bennett, counsel to the West Side Taxpayers Association, probed the scandal and made charges, which eventually were taken up for investigation by David Hirschfeld, Mayor Hyman's Commissioner of Accounts.

Major F. H. La Guardia in the course of his campaign two years ago for election to his present position, President of the Board of Aldermen, declared that the Department of Markets had been a rank failure, that the money of the taxpayers was being wasted to furnish soft berths for Tammany favorites and challenged the Mayor to make public Hirschfeld's report on the Day charges. In a speech at Bath Beach Major La Guardia said:

"Why must a \$7,500 Commissioner have four deputies, at a total of \$21,000 more, to help him run a paper department the total personnel of which, including laborers and per diem employees, is seventy-five? This, mark you, includes chauffeurs, messengers and janitors."

"Charles F. Murphy and Tammany Hall have an inside track in the running of the department, for two Murphy men hold jobs that the Commissioner and the Board of Estimate consider 'ranking' and calling for 'internal control.'"

Hirschfeld's report concerning the Day charges, by the way, was not made public until the Citizens Union got hold of it.

Despite Deputy Commissioner Smith's supposedly bombproof Tammany intransigence, Commissioner Day summarily removed him in December, 1919, and within less than one week thereafter Mayor Hyman ousted Commissioner Day, who had served nearly two turbulent years as head of the Department of Markets. Commenting upon that event THE SUN of December 3, 1919, said:

"The Mayor's action followed so closely the removal last Monday by Dr. Day of William W. Smith from his job of Deputy Commissioner of Markets as to set the political tongues in the five boroughs wagging. Deputy Commissioner Smith is a Tammany stalwart, a district man of reputed influence in the organization and an intimate friend of Charles F. Murphy. It is a fact that the Tammany leader and the ousted Deputy Commissioner dine frequently at an oyster house in Third avenue operated by the former deputy."

Day Charged Profiteering.

Dr. Day, when he was ousted, asserted that, with O'Malley, he had discussed the question of meeting over-head charges with officials of the army and navy and that it had been decided to add a charge of 2 cents an item—every pound or package of foodstuffs—to meet this cost. "Instead," said Dr. Day, "in some instances 7 cents had been added, making a profit in some cases of 50 to 70 per cent. This was the grossest kind of profiteering."

Thereupon, Dr. Day said, he demanded O'Malley's resignation. It was not forthcoming and his summary removal followed on October 14. To all of this O'Malley retorted that Dr. Day had absolved him of any charges of dishonesty in a conversation in the office of the Corporation Counsel just prior to his removal by the Commission.

In the Mayor committee's investigation last August into charges of favoritism and graft in the allotting of stalls and stands in Washington Market, in addition to many new charges laid at the door of the Department of Markets, it was disclosed that in the scandal which followed the department's handling of army and navy food and supplies in 1919 and 1920 David Hirschfeld, Hyman's Commissioner of Accounts, had reported to the Mayor that \$38,000 of the fund never had been satisfactorily accounted for, and that O'Malley and other officials who had volunteered their services had drawn salaries and big expense bills out of the food fund.

When the Mayor committee sifted accusations of bribery and graft in connection with the rental of Washington Market stands witnesses were produced who swore:

That Charles A. Winter, a general inspector of the Department of Markets, had accepted a payment of \$400 from Christian Haslob, one of \$500 from James R. Turner, and that he had demanded \$1,000 from Joseph Heinemann

JUDGE HIKES MILES TO HOLD INQUEST OVER A SQUIRREL

White Plains Jurist Braves All Sorts of Ills to Decide Whether Killing Was Done on Tree Trunk or Limb—Verdict in Motor Car.

Although the calendar in City Court, White Plains, was heavy yesterday Judge Stephen Holden took a journey to the White Plains city limits to settle a question as to whether a squirrel had been killed illegally.

The defendant, Jacob Mathews, a negro, was arrested by State troopers and the squirrel was produced as evidence. The question was whether the shooting had been done within the Judge's jurisdiction. Judge Holden directed the negro to take him to the place. Mathews led the way to Saxon Woods, and then started over rough ground. Judge Holden tore his coat on a barbed wire fence and splashed his trousers with mud.

He was bedraggled and out of breath when the negro came to a halt along a ridge of Saxon Woods, which extended partly within the limits of White Plains, Scarsdale and Harrison. The point is three miles from the centre of White Plains.

"He was in that tree and on that

branch," said the negro. "And he fell down there." He pointed to some bushes. Judge Holden looked at the tree and at the branch and at the markers indicating the boundary lines of the three districts. Then he announced that court was convened. "We will consider the evidence," he remarked. "The tree appears to be well within the limits of my jurisdiction—at least three feet within it."

"But the bough, your Honor," said Mathews's attorney, "is a long bough. It reaches over the line and lies not in White Plains, but three feet into the town of Harrison, and Harrison, being not incorporated, it is not sinful to shoot a squirrel there."

Judge Holden asked the State troopers as to whether the squirrel could be considered as having perched on the limb or on the tree.

But the troopers were stumped, and Judge Holden, reserving decision until the party regaining his automobile. There he announced he had decided to give the defendant the benefit of the doubt and freed him.

tion Mr. O'Malley bolted from the witness stand.

Elton R. Brown, chief counsel to the Mayor committee, turned over the evidence to the District Attorney and wrote a letter to Mayor Hyman demanding O'Malley's removal. Mayor Hyman refused to take any action until after the Commissioner had an opportunity for a full hearing in his own defence and after the committee had completed its investigation into the Department of Markets.

BANKERS IN NEW ORLEANS.

The tenth annual convention of the Investment Bankers Association will open in New Orleans Monday. A special train carrying the New York, Philadelphia and New England members will be run, as well as a special from the coast and another from Chicago.

and \$1,000 from Bertha L. Katenkamp, a widow.

That Stephen Woolsey had paid \$450 to an "unknown man" for market privileges.

That George H. Lewis Sons, Inc., made a payment to John L. Luger, a Tammany leader, of \$1,550 for use of Luger's influence in the department.

That Adolph Kahn, through the influence of Thomas L. ("The") McManus, Tammany district leader, was successful in obtaining favor with Commissioner O'Malley and that on the day Kahn received what he wanted he drew one check for \$3,000 to cash and another for \$500 to "bearer."

"For Money I Got Honey."

Barnett Cohen, a former poultry dealer, swore that Commissioner O'Malley asked him how much money he had to invest to secure certain market stands, that these stands subsequently were awarded to one Hillman, and that Hillman explained his success to the witness by saying: "For money I got honey."

Herman F. Michel, a produce merchant in Washington Market, testified that Commissioner O'Malley compelled him against his wishes to sell certain Vesey street property to the New York Telephone Company and that he sold it "because he wished to continue in business in Washington Market." John B. Hibbard, real estate appraiser, who made the sale for Michel, swore that he paid \$1,500 in bills to Commissioner O'Malley as the latter's half of the commission on the real estate transaction.

When these charges became public Commissioner O'Malley dismissed Inspector Charles A. Winter from the department. In so far as the indictment touched himself personally, the Commissioner contented himself with a general denial and a specific denial of the accusation that he had received the \$1,500 commission in connection with the Michel-Hibbard realty deal. When he was subjected to a searching cross-examination



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- 250 West 125th Street.
- 5524 Fifth Avenue, cor. 56th St.
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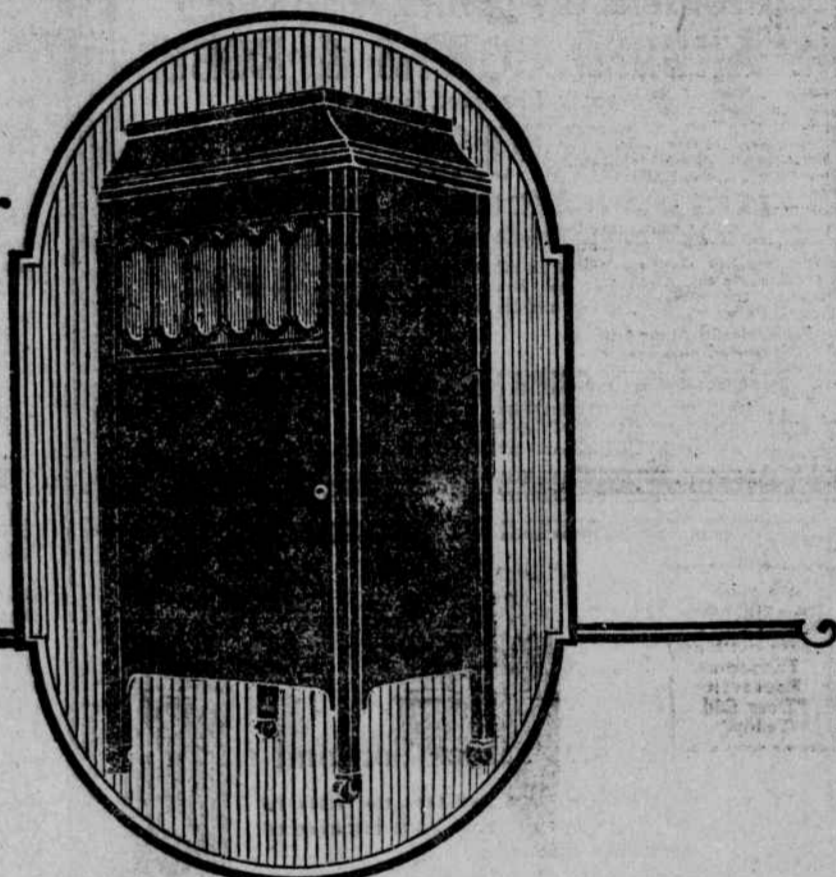
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